

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ANDY CHUNG,

Plaintiff,

v.

**RADIO STATION FM 107.5
(FORMALLY 95.5), ALL DJs,
OWNER-CLEAR CHANNELS, and
MANAGERS,**

Defendants.

Civ. No. 6:14-cv-01485-MC

OPINION AND ORDER

MCSHANE, Judge:

Plaintiff, *pro se*, originally brought this action against Radio Station FM 107.5, unnamed disk jockeys (DJs), unnamed Managers, and Owner, Clear Channels, for various state law claims,¹ ECF No. 1. On September 24, 2014, this Court dismissed plaintiff's action under FRCP 12(b)(6) and 28 U.S.C. § 1915(e)(2)(B) for lack of subject matter jurisdiction and failure to state a claim. Order 1–4, ECF No. 5. On October 1, 2014, this Court received a response from plaintiff that elaborated on the underlying factual circumstances. Pl.'s Am. Compl. ECF No. 7. Plaintiff's response, however, did not address this Court's concerns regarding subject matter jurisdiction.

This Court, unlike an Oregon Circuit Court, has original jurisdiction in two situations: (1) if a federal question is presented, i.e., if a "civil action[] arise[s] under the Constitution, laws, or treaties of the United States," 28 U.S.C. § 1331, and (2) if diversity jurisdiction exists, i.e., if the

¹ Plaintiff alleged defamation and invasion of privacy (e.g., intrusion upon the seclusion of others and public disclosure of private facts). *See* Compl. 3, ECF No. 1.

amount-in-controversy “exceeds the sum or value of \$75,000, exclusive of interest and costs,” 28 U.S.C. § 1332(a), and there is “complete diversity between the parties,” *In re Digimarc Corp. Derivative Litig.*, 549 F.3d 1223, 1234 (9th Cir. 2008) (citation omitted).


Because plaintiff does not present a federal question and plaintiff is not completely diverse from named defendants, i.e., he and defendants are citizens of the state of Oregon, this Court lacks subject matter jurisdiction over plaintiff’s claims.

CONCLUSION

Plaintiff is allowed 30 days from the date of this order to file an amended complaint curing the deficiencies identified in this Order and the Order dated September 24, 2014. Failure to cure these deficiencies will result in dismissal.

IT IS SO ORDERED.

DATED this 9th day of October, 2014.



Michael J. McShane
United States District Judge